

ENTERED

December 06, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHANE M. POMPURO,

Plaintiff,

v.

MAC HAIK AUTOMOTIVE
GROUP (MHAG),

Defendant.

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Civil Action No. H-18-638

ORDER

Pending before the Court is Defendant Mac Haik Automotive Group's 12(b)(6) Motion to Dismiss and, in the Alternative, 12(e) Motion for More Definite Statement (Document No. 5). Having considered the motion, submissions, and applicable law, the Court determines the motion should be denied without prejudice.

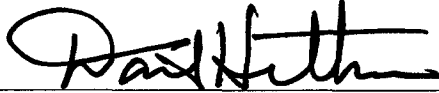
Defendant has moved for dismissal of Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. Federal Rule of Civil Procedure 8 requires that a pleading contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The Court has reviewed Plaintiff's complaint and finds that at least some of Plaintiff's claims do not meet the pleading requirements set forth in Rule 8. However, courts generally allow one chance to amend a deficient pleading before

dismissing with prejudice. *Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 329 (5th Cir. 2002). Therefore, Plaintiff is granted leave to amend the complaint so that it is responsive to the issues raised by the Defendant's motion to dismiss and is compliant with Rule 8. Accordingly, the Court hereby

ORDERS that Defendant Mac Haik Automotive Group's 12(b)(6) Motion to Dismiss and, in the Alternative, 12(e) Motion for More Definite Statement (Document No. 5) is **DENIED WITHOUT PREJUDICE**. The Court further

ORDERS that Plaintiff shall file an amended complaint that is compliant with Rule 8 within twenty-one days from the date of this Order. Failure to file an amended complaint within twenty-one days will result in dismissal of Plaintiff's case without further notice.

SIGNED at Houston, Texas, on this 6 day of December, 2018.



DAVID HITTNER
United States District Judge